



**Kenya Bureau of
Standards**
Standards for Quality life

WHISTLE-BLOWER POLICY

AUGUST 2024

FOREWORD

This policy represents a critical step forward in our commitment to fostering a culture of ethics, integrity, and accountability within the context of Kenya Bureau of Standards (KEBS). The policy directly responds to the growing need for robust whistleblower safeguards within KEBS. Instances of bribery, corruption, and other forms of misconduct can have serious consequences for KEBS and the entire Kenyan public we serve. By empowering employees, stakeholders, and other interested parties to report wrongdoing, we can identify and address these issues before they escalate, ultimately strengthening the integrity and effectiveness of our operations.

Whistleblowers play a vital role in safeguarding the public interest by exposing wrongdoing that may otherwise remain hidden. Unfortunately, individuals who step forward often encounter the risk of retaliation, which discourages others from raising their voices. This policy will provide robust protection for whistleblowers, empowering employees, and other stakeholders to report concerns without fear of reprisal. By implementing this policy, we aim to build trust, enhance transparency, and strengthen the public's confidence in KEBS. KEBS staff are encouraged to uphold the highest ethical standards.

Together, we can cultivate an environment whereby speaking up is encouraged, where integrity is the norm, and where the public good is always the top priority.



Anthony M. Munyiri

CHAIRMAN, NATIONAL STANDARDS COUNCIL

PREFACE

The development and implementation of this Whistleblower Policy is a clear testament to the Kenya Bureau of Standards (KEBS) unwavering commitment to fostering a culture of integrity, accountability, and ethical conduct within the organization. This policy represents a critical milestone in our ongoing efforts to safeguard the public interest and uphold the highest standards of professionalism and transparency.

KEBS is resolute in its support for this policy and the important role it plays in empowering our employees and other stakeholders to report any concerns or instances of misconduct without fear of retaliation. The organization is dedicated to providing robust protection for whistleblowers and ensuring that all reported issues are thoroughly investigated and addressed in a timely and impartial manner. By embracing this policy, KEBS is sending a clear message that we will not tolerate any form of fraud, corruption, or unethical behaviour.

The KEBS Management will provide the necessary resources, training, and leadership to ensure the successful implementation and sustainability of this policy. Together, we will work tirelessly to build trust, enhance transparency, and uphold the highest standards of excellence in service delivery to the Kenyan people, and inspire others to follow our lead.

My gratitude to the members of the KEBS Whistleblower Policy Review Committee and the Senior Management Committee whose dedication and expertise have been instrumental in shaping this important document. I also extend my sincere appreciation to the National Standards Council (NSC) for their steadfast support and guidance throughout this process.



Esther Ngari

MANAGING DIRECTOR, KENYA BUREAU OF STANDARDS

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ABBREVIATIONS AND ACRONYMS

ACECA	-	Anti-corruption and Economic Crimes Act
CAJ	-	Commission on Administrative Justice
CM-IA	-	Chief Manager – Internal Audit
CPC	-	Corruption Prevention Committee
DCI	-	Directorate of Criminal Investigations
EACC	-	Ethics and Anti-Corruption Commission
HR	-	Human Resources
KEBS	-	Kenya Bureau of Standards
MD	-	Managing Director
NSC	-	National Standards Council



DEFINITION OF TERMS

- Good faith:** Good faith is evident when a report is made without malice, intent to mislead, or consideration of personal benefit.
- Interested Parties:** These are organizations, groups, or individuals who have a legitimate stake or concern in the operations, products, and services of KEBS.
- Investigation:** This is a formal, systematic, and impartial process designed to gather, document, and analyze relevant information to determine whether a malpractice or misconduct has occurred, and if so, to identify the party or parties responsible.
- Malpractice:** This includes, but is not limited to, misconduct, fraud, violation of laws and regulations, KEBS policies, unethical behavior or practices, endangerment to public health or safety, negligence of duty, and contravention of established norms and standards of KEBS.
- Suspect :** Any person who is alleged to have committed malpractice and is subject to investigation. The term "suspect" implies that an allegation has been made but does not presume guilt.
- Whistleblower:** A person who provides information that exposes any kind of activity deemed illegal, unethical, or improper within an organization. The whistleblower may be an employee, customer, contractor, supplier, economic operator or any other interested party.
- Victimization:** Any adverse or negative action taken against a whistleblower due to their decision to report suspected misconduct. This includes dismissal, demotion, suspension, threats, harassment, retaliation and discrimination.



1. INTRODUCTION

1.1 OVERVIEW OF KEBS

KEBS is a statutory body established under the Standards Act (Cap 496) of the laws of Kenya. KEBS commenced its operations in July 1974.

KEBS is mandated to provide Standardization, Metrology, and Conformity Assessment services through:

- Promotion of standardization in commerce and industry.
- Provision of testing and calibration facilities.
- Control of the use of standardization marks.
- Undertaking educational work in standardization.
- Facilitation of the implementation and practical application of standards.
- Maintenance and dissemination of the International System of Units (SI) of measurements.

Vision: A global leader in standards-based solutions for trade and sustainable development

Mission To provide Standardization, Metrology, and Conformity Assessment Services that safeguard consumers and facilitate trade for a sustainable future

Core Values

Professionalism We uphold high levels of competence and diligence in our operations.

Sustainability We undertake activities that promote economic and social development within and outside KEBS while ensuring the protection of the environment.

Customer focus We listen to both our internal and external customers and deliver an ever-increasing value to them.

Patriotism We undertake the provision of our Standardization, Metrology, and Conformity Assessment services in ways that safeguard our country and consumers. We shall not allow importation, local production, and sale of substandard goods.

Integrity We are accountable, honest, trustworthy, respectful and ethical in our actions.



Team spirit

All persons working under the control of KEBS have a feeling of belonging together and cooperate and work well together, holding, safeguarding and putting other person's interest before personal interests

1.2 PURPOSE AND SCOPE

The policy intends to encourage the reporting of unethical, illegal, or fraudulent behavior affecting KEBS operations while protecting those who come forward to whistle-blow on any suspected malpractices. Unchecked misconduct by KEBS employees can have serious legal, financial, and reputational consequences for the organization and the public it serves. This policy covers reportable incidences which include *inter alia*:

- a) Suspected fraud, bribery or corruption.
- b) Criminal offenses that have or are likely to be committed.
- c) Breach of the KEBS Code of Conduct and Ethics
- d) Damage, destruction, or depletion of the environment.
- e) Misuse of KEBS property
- f) Breach of rules and regulations governing financial management, procurement, staff recruitment, and promotions
- g) Academic and examination malpractices such as the production, citation, or other use of fraudulent research data
- h) Breach of intellectual property such as certification marks
- i) Practicing of nepotism, favoritism, tribalism, and clannism
- j) Irregular resource allocation
- k) Falsification of data or documents.

This policy will apply to situations where normal and/or regular channels of reporting are not appropriate, for instance:

- a) Where evidence may be concealed or destroyed.
- b) Where there has been previous disclosure of the same information, but there has been no evidence of action, or the observed violation continues unabated.

This policy establishes a clear framework that provides whistleblower protection and a standardized reporting process.



1.3 GOAL, OBJECTIVES AND PRINCIPLES

1.3.1 Goal

The goal of this policy is to create an enabling environment and culture of voluntary disclosure of corruption and bribery in good faith while at the same time offering protection to the whistleblower.

1.3.2 Objectives

The objectives of the policy will be to:

- 1) Promote a culture of integrity and accountability.
- 2) Enable the identification and correction of inappropriate conduct.
- 3) Provide employees and other parties with proper procedures in disclosing cases of inappropriate conduct.
- 4) Protect employees and other parties who report concerns in good faith from retaliation.

1.3.3 Principles

The guiding principles of this policy will be:

- 1) Maintenance of confidentiality
- 2) Non-retaliation
- 3) Fair investigation
- 4) Timely resolution of reported issues
- 5) Timely feedback mechanisms.

2 SITUATIONAL ANALYSIS

The situational analysis was done considering the context in which KEBS operates both internally and externally. Both legal and administrative aspects were considered in the development of this policy.

International benchmarks on international instruments, such as the United Nations Convention Against Corruption 2005, emphasize the need for whistleblower protection. Locally, most government and non-government organizations have Whistleblower Policies. These policies address reporting channels, confidentiality, investigation, and protection of whistleblowers. Best practices from other jurisdictions emphasize clear policies, confidentiality, anonymity, prevention and accountability, independent resolution systems, capacity building, monitoring, and evaluation.

In Kenya, the following Legal and Regulatory Framework, addresses whistleblowing;



1. The Constitution of Kenya 2010
2. Anti-corruption and Economic Crimes Act
3. Witness Protection Act
4. Commission on Administrative Justice Act
5. The Bribery Act and;
6. The Access to Information Act.

The KEBS HR Policy & Procedure Manual clearly states that any employee or stakeholder who has a well-founded suspicion of malpractices, such as fraud, corruption, bribery, misuse of funds and assets, or any irregularities under this policy or governing laws of KEBS, is encouraged to report such irregularities. Additionally, the same policy provides protection for any person who makes a report, as envisaged under the Witness Protection Act, KEBS Anti-Corruption and Anti-Bribery Policy, and KEBS Corruption Prevention Policy.

Furthermore, the KEBS Code of Conduct and Ethics requires officers, upon considering a contravention of the code or any other improper or unethical behavior, to report the matter through prescribed channels.

3 POLICY STATEMENT

An important aspect of integrity and transparency is a mechanism to enable staff, KEBS' stakeholders and the general public to voice genuine concerns in a responsible and appropriate manner. This Policy is designed to support KEBS's core values and facilitate reporting of employees' and other parties' concerns about possible improprieties at the earliest opportunity to ensure that concerns can be raised without fear of reprisal or detrimental action.

KEBS is committed to providing a safe environment for whistleblowers to raise concerns of malpractices in good faith and take necessary steps to protect their confidentiality.

4 IMPLEMENTATION FRAMEWORK

4.1 LEGISLATIVE FRAMEWORK

This policy is informed by and has borrowed from several legislative, administrative, and related materials which include:

- 1) Constitution of Kenya 2010
- 2) Public Officers Act



- 3) Leadership and Integrity Act
- 4) Anti-Corruption and Economic Crimes Act
- 5) Public Procurement and Asset Disposal Act
- 6) Public Finance Management Act
- 7) Bribery Act
- 8) Standards Act Cap 496
- 9) Witness Protection Act.
- 10) Employment Act
- 11) Data protection Act Cap 411c
- 12) Evidence Act
- 13) Access to Information Act
- 14) Anti Money Laundering Act.
- 15) Consumer Protection Act

4.2 ADMINISTRATIVE FRAMEWORK

This policy is anchored on the following administrative instruments:

- 1) KEBS Human Resource Policy and Procedure Manual
- 2) KEBS Corruption Prevention Policy
- 3) KEBS Code of Conduct and Ethics.
- 4) International Standard - ISO 37001 Anti-Bribery Management System
- 5) KEBS Strategic Plan
- 6) Functional Standards Operating Procedures and Policies
- 7) KEBS Service Charter.

4.3 ROLES AND RESPONSIBILITIES

4.3.1 National Standards Council

The National Standards Council (NSC) will approve and offer oversight in the implementation of the Whistleblower policy and ensure that the management is committed to its provisions. Further, the NSC will review whistleblower reports and give direction.

4.3.2 Managing Director

The Managing Director will be responsible for:



- 1) Providing an enabling environment and resources for the implementation of this whistleblower policy.
- 2) Authorizing the Chief manager - Internal audit Department to oversee the implementation of the whistleblower policy and the procedures for prevention against bribery and corruption.
- 3) Ensuring that KEBS staff are aware of this policy and that its objectives are met.
- 4) Ensuring and assuring that whistleblowers, informants, or witnesses are protected against any victimization, or reprisal, intimidation, harassment, or any form of detrimental action.

4.3.3 Senior Management Committee (SMC)

They will ensure employees are sensitized on this policy.

4.3.4 Corruption Prevention Committee (CPC)

The Corruption Prevention Committee will;

- 1) Carry out investigations on disclosures and recommend corrective actions.
- 2) Hold quarterly meetings to deliberate on corruption prevention related matters.
- 3) Ensure that Statutory reports are filed with the relevant authorities.

4.3.5 Compliance function

Investigate and report malpractices to the MD and the NSC through the Audit and Risk committee.

4.3.6 Employees

To report concerns on corruption or any other malpractice to the appropriate office in good faith.

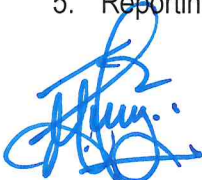
4.3.7 Whistleblower

To provide accurate and reliable information through the channels provided.

4.4 REPORTING MECHANISMS

KEBS has established the following secure channels for reporting suspected malpractices.

1. Reporting anonymously through the website www.kebs.org.
2. Reporting to the Managing Director via email md@kebs.org.
3. Reporting to the Chief Manager Internal Audit/Compliance Unit whistleblower@kebs.org.
4. Reporting through the KEBS App downloadable from Play Store.
5. Reporting anonymously through the installed integrity boxes at KEBS offices.



6. Reporting to the following organizations:
 - a) Ethics and Anticorruption Commission (EACC)
 - b) Commission on Administrative Justice (CAJ)
 - c) Directorate of Criminal Investigation (DCI)

4.5 PROTECTION OF WHISTLEBLOWER

KEBS will ensure that a whistleblower who raises concerns in good faith is entitled to;

- a) Confidentiality of the information disclosed.
- b) Confidentiality of their identity.
- c) Immunity from civil or criminal liability in relation to the disclosure.
- d) Protection against reprisal such as;
 - i. Dismissal from employment.
 - ii. Denial of salary increases or employment related benefits.
 - iii. Transfer or reassignment to other duties.
 - iv. Demotion, harassment or discrimination.

5 MONITORING, EVALUATION AND REVIEW

The Chief Manager of Internal Audit will be responsible for monitoring, evaluating, and review of the Whistleblower Policy. Monitoring and Evaluation reports will be shared with the Managing Director and a report presented to the Audit and Risk committee on a quarterly basis.

This policy will be reviewed every three (3) years or as the need arises.



